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PATENT, COPYRIGHT, TRADEMARK, TRADE SECRET AND RELATED LITIGATION

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FAX

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FEB 25 2004

GROUP 3700

To: Examiner Gregory A. Wilson

From: Michael J. Mehrman

Fax: (703) 308-7764

Pages: 24 Including cover

Phone:

Date: February 24, 2004

Re: Application No. 10/612,245

Urgent For Review Please Comment Please Reply Please Recycle

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COMMENTS:

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No.0388 P. 1

MEHRMAN LAW OFFICE

Feb.24. 2004 4:21PM

IN THE UNITED STATES PATENT RECEIVING OFFICE

In re application of: **CLYDE BERGEMANN, INC.**)
Serial No. **10/612,245**)
Filed: **02 July 2003**) Art Unit: **3749**
Inventor(s): **SCHWADE, et. al.**) Examiner: **Gregory A. Wilson**
For: **"MULTI-MEDIA ROTATING SOOTBLOWER**)
AND AUTOMATIC INDUSTRIAL BOILER)
CLEANING SYSTEM)

)

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Mail Stop Non-Fee Amendment
Attn: Gregory A. Wilson
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

February 24, 2004

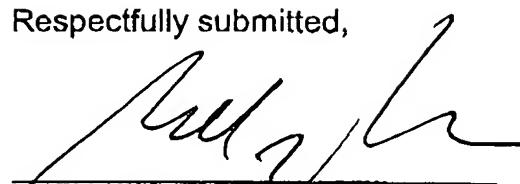
Sir:

After reviewing several correspondences received from the U.S. Patent and Trademark Office (PTO), the undersigned attorney determined the first-named inventor in the above-identified application to be incorrectly identified. The inventor, Mohomed Ishaq Jameel (*whose name is misspelled in the Official Filing Receipt*) is **NOT** the first-named inventor and has been incorrectly identified as such by the PTO. The first-named inventor should be **HANS SCHWADE** as identified in the originally filed Declaration/Power-of-Attorney (*copy attached*). Therefore, we respectfully request that all future correspondence correctly reflect Mr. Schwade as the first-named inventor.

Attached to this correspondence are the following items:

1. *(For filing) RESPONSE TO FIRST OFFICIAL ACTION;*
2. *As-filed copy (on this same date) of REQUEST FOR CORRECTED FILING RECEIPT*
3. *Copy of original Filing Receipt*
4. *Copy of originally filed Declaration/Power of Attorney (Please note the signature block identifies Mr. Schwade as first-named inventor)*

Respectfully submitted,

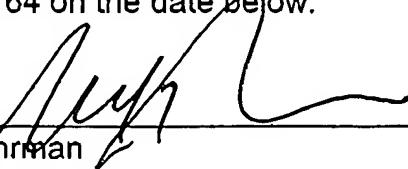

Michael J. Mehrman
Reg. No.: 40,086

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FEB 25 2004
GROUP 3700

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Certificate of Mailing

I hereby certify that this correspondence is being filed with the United States Patent Office, Patents by facsimile directed to Examiner Gregory A. Wilson in Art Unit 3749 at (703) 308-7764 on the date below:


Michael J. Mehrman

February 24, 2004
Date

IN THE UNITED STATES PATENT RECEIVING OFFICE

In re application of: CLYDE BERGEMANN, INC.)
Serial No. 10/612,245)
Filed: 02 July 2003) Art Unit: 3749
Inventor(s): SCHWADE, et. al.) Examiner: Gregory A. Wilson
For: "MULTI-MEDIA ROTATING SOOTBLOWER)
AND AUTOMATIC INDUSTRIAL BOILER)
CLEANING SYSTEM)

COPY

REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop: OIPE
(Office of Initial Patent Examination)
Customer Service Center
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

February 24, 2004

Sir:

Please find attached to this correspondence, a copy of an Official Filing Receipt received from the USPTO and a copy of an originally filed Declaration/Power-of-Attorney in the above-identified patent application for which issuance of a corrected filing receipt is respectfully requested. There are multiple errors with respect to the following data:

1. Error in: Applicants
Incorrect spelling: MOHOMED ISHA(G) JAMEEL
Corrected spelling: MOHOMED ISHA(Q) JAMEEL
2. Error in: Applicants
Incorrect first-named inventor: First named inventor identified as Mohomed Ishag Jameel
Corrected first-named inventor: First - named inventor – Hans Schwade (as identified in the Declaration/Power-of-Attorney)

We respectfully request that the first-named inventor be changed to correctly reflect *Hans Schwade* as the first-named inventor, as identified in the originally filed Declaration/Power-of-Attorney, (*attached*) and to correctly spell inventor Mohomed Ishaq Jameel's name. Thank you in advance for your assistance with this matter.

Respectfully submitted,

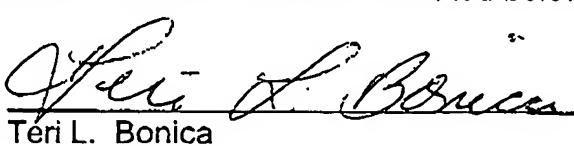


Michael J. Mehrman
Reg. No.: 40,086

MEHRMAN LAW OFFICE, P.C.
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: OIPE, Customer Service Center, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below:


Teri L. Bonica

February 24, 2004
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY.DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|----------------|----------|----------|----------|
| 10/612,245 | 07/02/2003 | 1744 | 567 | 4C16.1-011 | 31 | 32 | 5 |

35725
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CONFIRMATION NO. 3307

FILING RECEIPT



OC000000010944146

Date Mailed: 09/29/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Mohomed Ishag Jameel, Lawrenceville, GA;
Bruce Townsend, Flowery Branch, GA;
Hans Schwade, Atlanta, GA;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/394,599 07/09/2002

Foreign Applications

If Required, Foreign Filing License Granted: 09/29/2003

Projected Publication Date: 01/15/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Multi-media rotating sootblower and automatic industrial boiler cleaning system

Preliminary Class

015

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DECLARATION AND POWER OF ATTORNEY**COPY**
Attorney's Docket No.: 4C16.1-011

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am an original and/or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention titled: **MULTI-MEDIA ROTATING SOOTBLOWER AND AUTOMATIC INDUSTRIAL BOILER CLEANING SYSTEM**, the specification of which is attached hereto and filed concurrently herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

| <u>Application No.</u> | <u>Country</u> | <u>Filing Date</u> | <u>Priority Claimed Under 35 USC §119</u> |
|------------------------|----------------|--------------------|---|
| <u>Not Applicable</u> | | | Yes _____ No _____ |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional Application(s) listed below:

| | | | | | |
|------------------------------------|---------------------------------------|---------------------|----------------------|---------------------|----------------------|
| <u>60/394,599</u> (Serial. No.) | <u>July 09, 2002</u> (Filing Date) | <u>(Serial No.)</u> | <u>(Filing Date)</u> | <u>(Serial No.)</u> | <u>(Filing Date)</u> |
|------------------------------------|---------------------------------------|---------------------|----------------------|---------------------|----------------------|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|-------------------------------|--------------------|---|
| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status: patented, pending, abandoned</u> |
| <u>Not Applicable</u> | | |

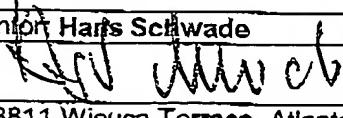
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: Attorney Michael J. Mehrman – 40,086, is hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send correspondence to: Michael J. Mehrman
MEHRMAN LAW OFFICE, P.C.
One Premier Plaza
5605 Glenridge Dr.
Ste. 795 B, Box 8
Atlanta, Georgia 30342
Marietta, Georgia 30067

Direct telephone calls to:
Michael J. Mehrman

Phone: 404 497 7400
Fax: 404 497 7405
Facsimile 770 984 0098

| | |
|---|---------------------|
| Full name of first inventor: Harts Schwade | Citizenship: German |
| Inventor's signature:  | Date: 8/20/05 |
| Post Office Address: 3811 Wieuca Terrace, Atlanta, Georgia 30342 | |

This is the first named inventor.